

ZB# 85-29-A

Linda & Vincent McAdon

(no S-B-L found)

Indem.

6/24/85.

Public Hearing:

Aug. 12th

Notice to Sentinal
on 6/28/85.

Granted

Area variance
Granted on
8/12/85.

~~Collect check~~

General Receipt

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

6799

Received of

Vince Linda McAdams

Aug. 15 19 *85*

\$ *25.00*

Twenty Five and 00/100 DOLLARS

For

Variance application - 85-29

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>25.00 Check</i>		
<i>11-325</i>		

By

Pauline H. Turner

Town Clerk

Title

Pax.

LEGAL NOTICES

**PUBLIC NOTICE OF HEARING
BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 29
Request of LINDA AND VINCENT MC ADON for a VARIANCE of the regulations of the Zoning Ordinance To permit construction of one-family residential dwelling with insufficient frontyard, being a VARIANCE of Section 48-12 Table of Bulk Regs. Col. 6 for property situated as follows:

Lot #10 Beech Acres Drive
(a private drive off Station Road, Town of New Windsor, N.Y.)

SAID HEARING will take place on the 12th day of August, 1985 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 7:30 o'clock p.m.

DANIEL P. KONKOL
Chairman
By Patricia Delio,
Secretary

State of New York
County of Orange, ss:

Everett W. Smith, being duly sworn
disposes and says that he is
Publisher of the E.W. Smith
Publishing Company, Inc. publisher
of The Sentinel, a weekly newspaper
published and of general circulation
in the Town of New Windsor, and that
the notice of which the annexed is
a true copy was published ONCE
in said newspaper, commencing on
the 3rd day of July A.D., 1985
and ending on the 3rd day of July
A.D. 1985

Subscribed and shown to before me
this 29th day of Jan., 1986.

Patricia Delio
Notary Public of the State of New York
County of Orange.

My commission expires 3/30/87

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970776
Qualified in Orange County
Commission Expires March 30, 1987.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 29

Request of LINDA AND VINCENT MC ADON

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
permit construction of one-family residential
dwelling with insufficient frontyard,
being a VARIANCE ~~SPECIAL PERMIT~~ of
Section 48-12 - Table of Bulk Regs.- Col. 6
for property situated as follows:

Lot #10 - Beech Acres Drive (a private drive
off Station Road), Town of New Windsor, N. Y.

SAID HEARING will take place on the 12th day of
August, 1985, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

DANIEL P. KONKOL
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

85-29.

Date: 6/25/85.

496-4655

I. ✓ Applicant Information:

- (a) Vince McAdon Washingtonville 10992
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. ✓ Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) R1 Lot 10 Beech 2.34 ± AC
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? June 12 1985
- (e) Has property been subdivided previously? NO When? _____
- (f) Has property been subject of variance or special permit previously? NO When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? YES
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. ✓ Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 43-12, Table of Bulk Regs., Col. 6.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>43,560 SqFt</u>	<u>80,000 SqFt</u>	
Min. Lot Width <u>125</u>	<u>200.00</u>	
Reqd. Front Yd. <u>45</u>	<u>50/25</u>	<u>20</u>
Reqd. Side Yd. <u>20/40</u>	<u>20/</u>	<u>1</u>
Reqd. Rear Yd. <u>50</u>	<u>262</u>	
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>2 1/2 ST.</u>	<u>1 ST.</u>	
Min. Floor Area* <u>1,200</u>	<u>1,589 Sq. Ft.</u>	
Dev. Coverage* <u>25 %</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

A 75 ft. easement radius from 12 onto property, renders 140 ft of 200 ft frontage non buildable.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. ~~Special Permit:~~

- (a) ~~Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.~~
- (b) ~~Describe in detail the use and structures proposed for the special permit.~~

VIII. ✓ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

One-family residential ^{frame} dwelling constructed of wood shingles. Attractive landscaping.

IX. ✓ Attachments required:

- ✓ Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot. *Section for*
- N/A* Copy(ies) of sign(s) with dimensions.
- ✓ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date

6/25/85

STATE OF NEW YORK)
COUNTY OF ORANGE)

SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Vince M. Adams
(Applicant)

Sworn to before me this

25th day of June, 1985.

Patricia Delio

XI. ZBA Action:

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

(13)

June 27, 1985

Linda Mc Adon
16 W. Main St.
Washingtonville, NY 10992

Re: 29-1-53.2

Dear Ms. Mc Adon:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$35.00. Please remit the same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads 'Christian E. Jahrling'.

CHRISTIAN E. JAHRLING IAO
SOLE ASSESSOR
Town of New Windsor



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

12.

Sherman Geraldine
Toleman Rd
Washingtonville NY 10992

Spiegelman Mary
Feinman Seymour
c/o Seymour Feinman
6675 S Oriole Blvd
Delray Beach FLA 33446

Rifflard Arthur
& Esther L
Station Rd
Rock Tavern NY 12575

Cooper Robert S
& Nanette R
30 Thistle Court
Matawan NJ 07747

Soliton Devices Inc
c/o Jacobowitz & Gubits
158 Orange Ave
PO Box 367
Walden NY 12586

Wright Clarence E Jr
& Lynn G
PO Box 353
Cornwall on Hudson NY 12520

DiGregoria Basil J
& Margaret M
& Dolan Thomas J
& Patricia
12 Charles St
Pearl River NY 10965

Orpikowski Arthur J
& Lois
Woodcock Mountain Rd
Washingtonville NY 10992

Buhl Ted
1 Cornwall Ave
Cornwall on Hudson NY 12520

Clement Dorothy
Station Rd
Brittany Hills
Rock Tavern NY 12575

Van Leeuwen Henry P
Pennings Henry Q
Fiedelholtz Jerald
70 Windsor Hwy
New Windsor NY 12550

Gargiulo Salvatore
& Carole
Gargiulo Henry
& Alice
1578 East 233 St
Bronx NY 10466

Halstead James B
& Dorothy F
RR 1 Box 86
Station Rd
Rock Tavern NY 12575

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

RE: PUBLIC HEARINGS BEFORE THE ZBA - August 12, 1985

DATE: July 30, 1985

Please be advised that the following public hearings will be heard before the Zoning Board of Appeals on the above date:

MC ADON, VINCENT - Frontyard variance

SLOAN/SOTLAND - Use/area variances

RYDLEWSKI, MICHAEL - Area variances

DIAMOND CANDLE, CO., INC. - Lot area variance

I have attached hereto copies of the pertinent applications together with public hearing notices which were published in The Sentinel.

Patricia Delio, Secretary
Zoning Board of Appeals

/pd

Attachments

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCE

VINCENT and LINDA MC ADON,

#85-29.1

-----X

WHEREAS, VINCENT and LINDA MC ADON, 16 West Main Street, Washingtonville, New York 10992, have made application before the Zoning Board of Appeals for an area variance for the purpose of:

Construction of one-family residential dwelling on Beech Acres Drive, a private drive off Station Road, New Windsor, N.Y. (R-4 zone).

WHEREAS, a public hearing was held on the 12th day of August, 1985 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicants appeared in behalf of themselves;

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicants own a residential lot containing a 75 ft. easement which renders 200 ft. of frontage unbuildable.

3. The evidence presented by the applicants substantiated the fact that practical difficulty would be encountered if the applicants were denied the area variance.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested are not granted.

2. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

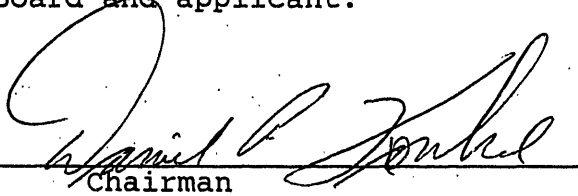
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 20 ft. frontyard variance in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 9, 1985.


Chairman

cc: Vincent and Linda McAdon



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

August 13, 1985

Mr. and Mrs. Vincent McAdon
16 W. Main Street
Washingtonville, N.Y. 10992

RE: APPLICATION FOR AREA VARIANCE - #85-29

Dear Mr. and Mrs. McAdon:

This is to confirm that a public hearing was held regarding the above-entitled application before the Zoning Board of Appeals. The Board voted to GRANT your request for an area variance at the August 12, 1985 meeting.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

A handwritten signature in cursive script that reads "Patricia Delio".

PATRICIA DELIO
Secretary to Zoning Bd. of Appeals

/pd

cc: Town Building Inspector
Planning Board

8/12/85 PH. - McAdon, Vincent

Name:

Address:

Port + Tom Dolan 12 Charles St Pearl River NY

NEW WINDSOR ZONING BOARD OF APPEALS
Regular Session
Date: June 24, 1985

MEMBERS PRESENT: DANIEL P. KONKOL, CHAIRMAN
RICHARD FENWICK
VINCENT BIVONA
JAMES NUGENT
JOHN PAGANO

MEMBERS ABSENT: JACK BABCOCK, V. CHAIRMAN
JOSEPH SKOPIN

ALSO PRESENT: ANDREW S. KRIEGER, ESQ.
Attorney for ZBA
PATRICIA DELIO, SECRETARY

The June 24, 1985th session of the Zoning Board of Appeals was called to order by Chairman Daniel P. Konkol at 7:30 p.m. Secretary called the roll.

Motion followed by Vincent Bivona, seconded by Richard Fenwick, to accept the minutes of the June 10, 1985 meeting as written. ROLL CALL: 5-0.

* * * *

PRELIMINARY MEETING:

MC MANUS, JOHN - Request of applicant (lessee) to operate a used car dealership at 30311 Route 9W, South (formerly Executone) in an R-4 zone. Use variance required. Owner of property: Previdi. Applicant did not show.

* * * *

June 24, 1985

PRELIMINARY MEETING:

O. EDWARD CICCHETTI - Request for 33 ft. sideyard variance for construction of extension on business located on Windsor Highway in C zone (formerly Music Box). Mr. Cicchetti stated that his TV service has to vacate the location on Union Avenue in the Town of Newburgh since they are widening the road and his building will be demolished. The proposed addition on Windsor Highway will house his repair service.

Chairman Konkol requested that Mr. Cicchetti speak to the Fire Inspector to see how much of a driveway is required by the Fire Code for emergency vehicles. Mr. Cicchetti stated that he would have a 17 ft. driveway on the right side and 20 ft. on the left.

The Board members suggested that Mr. Cicchetti construct his addition to the rear of the property in order to avoid any further variances. Similar variances were granted to Mr. Cicchetti in 1978.

Motion followed by James Nugent, seconded by Daniel P. Konkol to schedule a public hearing upon the return of the completed paperwork. ROLL CALL: 5-0. Chairman Konkol stated that, in the event Mr. Cicchetti decided to file for a public hearing, he should furnish photographs of the property in question.

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PRELIMINARY MEETING:

MC ADON, VINCENT - Request for review and discussion period only concerning construction of residential dwelling on a private road off Station Road. Residential zone. No notices of denial issued at this time due to the fact that the McAdon property is located on a private road (Beech Acres) and the Building Inspector had some questions as to how much frontyard would be required. There are other considerations such as an easement and a cul-de-sac.

After some discussion, the Board felt that a 20 ft. frontyard variance should be sought by applicant and a motion then followed by Richard Fenwick, seconded by James Nugent, to schedule a public hearing upon the return of the completed paperwork. ROLL CALL: 5-0.

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June 24, 1985

PUBLIC HEARING:

P & P QUICK COPY CENTER, INC./CLEGG - Request by contract purchaser for (1) use variance, (2) area variances, and (3) sign variances for construction of copy center and three additional rentals on Temple Hill Road (and Union Avenue) in a Planned Industrial (PI) zone. Gregory Shaw of Shaw Engineering present for applicant P & P. Mr. Shaw presented the following:

- (1) Applications;
- (2) Proof of publication in The Sentinel;
- (3) List from Assessor's Office containing 36 names and addresses of adjacent property owners;
- (4) 35 return receipts from adjacent property owners;
- (5) Fee in the sum of \$50.00.
- (6) Copy of contract of sale to P & P.

Mr. Shaw also presented a revised site plan with additional parking spaces, information on the construction of the gable and revised plans for the requested signage.

There were no spectators present for this public hearing.

Public hearing was recorded on Tape #144 on file in Secretary's office.

After the close of the public hearing, motion was made by Richard Fenwick, seconded by Vincent Bivona, to grant the following variances as per application and plans submitted and dated 6/24/85:

- (1) Use variance (P&P retail sales)
- (2) Area variances:
Temple Hill Rd.- 3 ft. lot width
Union Avenue - 60 ft. lot width
Building height - 5 ft.
- (3) Sign variances:
33 sq. ft.

ROLL CALL: 4-1. Motion carried. Application approved. Formal decision to follow.

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Motion followed by John Pagano, seconded by Vincent Bivona to accept formal decisions as written in the matters of (1) HECHT, (2) HARSCH, and (3) RHOADES. ROLL CALL: 5-0. Formal decisions attached hereto and made a part of the minutes.

*

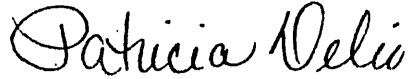
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June 24, 1985

Since there was no further business to be brought before the Board, motion was made by John Pagano, seconded by James Nugent to adjourn. Motion carried, all ayes. Meeting adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia Delio". The signature is written in dark ink and is positioned above the printed name.

PATRICIA DELIO, Secretary

